

## UNITED STATES OFFICIALS HELD UP WORK ON ELEPHANT BUTTE DAM

Felix Martinez Testifies that Bickerings Between Secretaries of the Interior and Former Chief of Reclamation Service Cost Valley Land Owners Much Money and a Great Loss of Time.

"MUCH needless expense has been added to the cost of the Elephant Butte dam irrigation project and the water users of the valley are the sufferers by the procrastination of reclamation service officials and two former secretaries of state," declared Felix Martinez, chairman of the El Paso Valley Water Users' association, who testified Monday afternoon before the cost review board in session here to determine the cost of the great project.

Interesting sidelights on the inside history of the irrigation work, phases hitherto unknown to the public, were brought out by the testimony of Mr. Martinez. Secretaries of the Interior Ballinger and Hitchcock, who served under presidents Taft and Roosevelt and Francis H. Newell, former director of the reclamation service, were blamed for the delay, which Mr. Martinez asserts has added much unnecessary cost to the project. None of the Interior department or reclamation service officials who have been in office under the Wilson administration are in any way responsible for the alleged unnecessary cost increase, so far as was brought out in Mr. Martinez's testimony.

Mr. Martinez was the first verbal testimony presented to the review board. From it the inference was plain that the two water users' associations, which must eventually pay the cost of construction of the project, will attempt to show during the hearing that the dilatory tactics of the government officials in getting the project under way after the first appropriation had been made for the work added hundreds of thousands of dollars to what should have been the proper cost. If this can be conclusively shown, attorneys for the water users will undoubtedly argue that their clients should not be made to pay the excess cost caused by the unbusinesslike methods of the reclamation service officials and the former

secretary of the Interior. That the attempt to prove these assertions and make their corollary arguments will take up many days is generally believed.

### How Dam Was Conceived.

How the idea of a great dam and irrigation system to provide water for the El Paso and Mesilla valleys materialized from mere discussion to reality was told by Mr. Martinez, who went back 12 years into the history of the project. He narrated to the court how a special treaty had to be drawn up with Mexico before the work could begin, how the department of the Interior and the national irrigation congress were first interested in the proposition, how the first appropriation was secured and many other minor points connected with the beginning of the plan.

He told of a trip to Washington in November, 1905, by H. B. Holt, Richard F. Burgess, H. D. Slater and himself in the interests of the plan. He related how Mexico, which had put in a claim with the American state department for \$20,000,000 on account of alleged damage to Mexico crops in the Rio Grande valley through lack of water in the river, had promised to relinquish that claim if furnished with 60,000 acre feet of water annually by the proposed new dam. A treaty to this effect was signed by the two governments.

### Wish to Pay Share.

"Of course, gentlemen of the board, the El Paso Valley Water Users' association wants to pay for all it has received, but I do not think it should have to suffer for the procrastination of government officials," said Mr. Martinez. "In February, 1907, congress gave us our first appropriation of \$200,000 to begin work on the dam. We went to the director of the reclamation service, tried to get orders for the beginning of the work. The secretary of the Interior, the secretary told us to get the site of the dam bought first. Well, the price asked by certain cattle company, which owned some of the land we needed for the lake was prohibitive and we would not pay it. So we asked the secretary to condemn it and he told us not to be in a hurry, as the

cattle company might hold the deal up by law if they suspected we were so anxious to get the land.

**Secretary Fighting Service.** "Then we went to see Mr. Newell and told us to see the secretary again. We kept running back and forth to those two men, who put off definite action in the matter and advised us to do the same, for nearly two years. All that time was wasted. The truth of the matter is that the secretary was fighting with the reclamation service and between the two of them we suffered. At last, in 1909, the condemnation papers were signed and we began to get to work."

At this point in his testimony Mr. Martinez was called away by an appointment with the board after he would resume his testimony before the board Tuesday morning. Certain documentary evidence which he had submitted earlier in the day by Porter W. Dent, legal adviser to the government, was admitted by the board after H. B. Holt, attorney for the water users, had objected to its admission on the grounds of irrelevancy. The board refused to consider the question. When they returned chairman T. U. Taylor announced that Mr. Lawson and himself had voted to admit the documents, while L. M. Clapp had voted against it. The submission of a monthly report on the entire project by Terrell Bartlett, consulting engineer of the associations, closed the Monday hearing.

**Martinez Tells of Delays.** Mr. Martinez resumed his testimony when the board went into session at 2 o'clock Tuesday morning and continued his story of the delays occasioned by state and Interior department officials in the effort to secure the appropriation and begin work on the great project. He told of how, after much delay the then secretary of the Interior Ethan Allen Hitchcock advised him that the matter would have to be taken up with the state department as here, an internal aspect to the case, in that Mexico claimed a right to the waters of the Rio Grande. Mexico had made a formal claim to the state department for \$20,000,000 damages, alleged to have been sustained by the fact that Colorado farmers had taken so much of the water that there was not enough left for the Mexican farmers in this section and their crops suffered thereby. This claim had been declared invalid by the United States attorney general, but it still existed in spirit, if not in fact.

Mexico agreed to forever abandon this claim providing she were given 60,000 acre feet of water annually from the big dam, according to Mr. Martinez's testimony. H. D. Slater drafted the treaty, which was finally ratified by both governments with only a few minor changes from the original draft. Mexico has always claimed half of the stored water, but under the treaty she accepted one-tenth only. He told of how Newell, who had been having friction with the secretary of the Interior, seemed to turn against the local project, which he had heretofore favored in word and by a few actions, and actually made a speech against the project before congress. When the appropriation had been secured and the land site bought, after

more than a year of unnecessary delay, it was necessary for the backers of the movement to go to president Taft for an order to begin construction of the dam. The reclamation board nor the secretary of the Interior seemed willing to give it, each blaming the other for the delay.

**Mexico Should Pay.** As the testimony went on, Mr. Martinez expressed the opinion that it was unfair that the Rio Grande valley farmers must pay perpetually for the water which Mexico is to receive from the dam. He said he thought that at least 10 per cent of the construction cost of the project should be borne by Mexico, as a direct beneficiary. But since, he explained, the treaty stipulated that none of the cost should be borne by Mexico, it was "up to" the government to make this expense good. It was pointed out that the action of the farmers in assuming the responsibility of building the dam, and actually building it, related the United States of the \$20,000,000 claim made by Mexico; that it was not the duty of the local farmers to bear this expense any more than the farmers of any other section of the country, since it was strictly a national responsibility and not a local one.

**Mexico's Equity.** Here Porter W. Dent, legal adviser to the reclamation service, began to question Mr. Martinez on his idea of Mexico's equity in the benefits to be derived from the project and why he pressed the demand for the cost review. The action brought Mr. Holt to his feet with a suggestion that the reclamation service and the water users work in complete harmony on this point, since it was strictly an internal matter. It is the intention of the water users to use this Mexico aspect as an argument when the next reclamation appropriation to complete the project is made.

**Bring Out All Sides.** Mr. Dent's reply that he was attempting to bring out all sides of the question seemed to drop a small sized bomb into the proceedings. Mr. Martinez, who had been asked to represent the water users of the country, should attempt to show Mexico's equity in the case. Mr. Dent answered that he felt he was present, not only to represent the water users, but also as a sort of custodian for the funds of the treasury department, out of which the proposed appropriation will come. His expression of the feeling that the water user get all the money they want, but he felt it just to place before congress the facts of the case. Mr. Martinez was asked to state the argument had submitted and Mr. Martinez being questioned by the reclamation attorney.

**Objects of Investigation.** A clear idea of the object of cost review for the project was given in the general instructions to the boards from the secretary of the Interior, Mr. L. B. Nichols. "These instructions from exhibit 1 of the records of the cost review session in progress here.

Under the classification of "objects of investigation" are the following instructions: "First, to ascertain the proper construction cost to be collected under the terms of the reclamation act and amendments thereto, from the settlers upon, as owners of the lands on, each project of the reclamation service, or units of projects, as to which the construction charges have been heretofore announced by public notice.

"Second, to fix the proper charges on projects where charges have not been announced where such projects have reached such a stage or completion as to make it practicable and desirable to do so.

**Must Scrutinize Expenditures.** "Third, in order to properly fix the amounts to be collected, it is necessary to determine whether any expenditures, direct or indirect, have been or are being charged to projects that under ordinary conditions of carrying out similar works should not be so charged. For this purpose, it is necessary for the laying out, designing and construction of the completed project, and on the other hand whether any such expenditures have been omitted, as, for example, by treating them as general charges to be apportioned to all parties when the work is completed, should have been a direct charge to a particular project."

**Duties of the Board.** Wide latitude is given the board members by that section of the secretary's letter of instruction on hand-head: "Duties of the local boards of review." Following are the duties as outlined: "(1) The board of review for each project shall scrutinize and analyze each item of the statement carefully and for this purpose shall have access to the records of the project manager, supervision engineer, Washington office and such other offices as may be necessary and may call upon any employees of the service for information and assistance. The members of the board of review for each project may individually or collectively make any remarks or suggestions desired relative to the character or amount of the charge pertaining to said project, but all recommendations definitely recommended must be signed by the board as a whole or by a majority of the members.

**Must Explain Recommendations.** "(2) In recommending adjustments the board must clearly indicate the item referred to and give in detail the data and reasons on which their conclusions are based. The character and property of the charges, or to be made, against individual projects, or units thereof, are in question only and each local board shall confine its investigations and report to the project to which it is assigned by the secretary of the Interior with the view of aiding him to determine the just and equitable amounts to be collected from said projects or units thereof.

"(3) A full hearing will be given to all matters pertinent, and the board will have the right to exclude irrelevant matter and duplication of testimony.

"(4) It is to be kept in mind by the local boards that all the expenditures of the reclamation service, have been made under direction of the secretary of the Interior, on works and projects approved by him, and that such expenditures have been examined and approved by the treasury department before being for determination of the question, if presented, as to how much

of the expenditures approved by the treasury department are legitimate charges against the water users.

**Should Find Improper Charges.** "(5) All charges against a project that may be considered improperly laid or debited, or that are inequitable or questionable, on that ground, should be ascertained by the local board and reported with its recommendations.

"(6) Upon the receipt of the reports of the local boards of review by the secretary of the Interior, said reports will be referred to a general board of review, consisting of Edward Mead, of the University of California, Gen. William L. Marshall, consulting engineer to the secretary of the Interior, and L. D. O'Donnell, supervisor of irrigation, reclamation service."

**MANY AUTO OWNERS TO MAKE TRADE TRIP** Although no active campaign has yet been made for delegates to go on the west Texas auto trade excursion, seven El Pasoans have already telephoned their names in to the chamber of commerce as prospective members of the excursion. The securing of names will be in charge of a committee from the chamber of commerce and Robert Rinehart. It is expected that about 15 cars will make the trip, which will include visits to Roswell, Artesia, Carlsbad, Pecos, Fort Stockton, Midland, Alpine, Marfa and neighboring towns.

**FICTION FROM HUMAN HAIR** Fires bucket of gasoline While Mrs. Currier, of the La Mode Beauty shop, was cleaning two women's hair switches on the San Francisco street balcony of The Herald building, about 2:30 o'clock Tuesday morning, the friction on the switches set fire to the gasoline in which she was washing them. Mrs. Currier was slightly burned on the hands and arms, but beyond the loss of the switches, there was no other damage done, as a telephone alarm brought the fire department quickly and the burning gasoline was extinguished by a chemical extinguisher.

Mrs. Currier had remarked to one of her assistants not more than a minute before the fire that she had not before seen so much electricity in hair. It is thought that the hot sun had some effect on the hair, which caused a spark setting fire to the gasoline.

## WATTS WELL USED FOR LAST TIME; MESA WATER NOW

Watts well water was pumped into the Sunset Heights reservoir Sunday night for the last time, assistant superintendent L. J. Locke, of the city waterworks, said Tuesday. The reservoir was filled to the rim and as soon as this is accomplished mesa water will be run into the reservoir and the Watts well will no longer be used except for emergency purposes.

It was hoped to have the first unit of the new pumping plant at the mesa station working by Saturday, but trouble with an air compressor has caused the delay in starting the new pump. As soon as this unit is in operation there will be no need for Watts water and it is expected to have the compressor working by tonight.

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